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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,267	03/04/2004	Klaus Simon	081468-0308582	4229
909 7590 04/07/2009 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER YAN, REN LUO				
ART UNIT 2854		PAPER NUMBER		
MAIL DATE 04/07/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/792,267

Applicant(s)

SIMON, KLAUS

Examiner

Ren L. Yan

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3-24-2009 has been entered.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeans (7,070,406) in view of WO 99/28132.

With respect to claims 1, 3, 6, 10 and 12, the patent to Jeans teaches the structure of a printing apparatus as claimed including a curved member 100(embossing belt) carrying a stamp surface, when not in use, having a plurality of separate curved sides as defined by the three rollers 103, each of said curved sides including an embossing pattern, wherein in use, said curved member is configured to roll over a substrate 101 to transfer said pattern on said substrate; a resist mechanism 300 for providing a layer of resist on the substrate 101, and an illumination system 99 disposed inside the curved member 100 configured to direct light to a region of

contact between said stamp surface and said substrate. See Fig. 39 and column 6, lines 22-35, column 8, lines 25-38, and column 18, lines 4-48 in Jeans for details.

However, Jeans does not teach that as said curved member rolls over said substrate, said pattern of each of said curved sides remains stationary relative to each of said other curved sides.

WO 99/28132 teaches a printing apparatus including a stamp surface 5 having a plurality of separate sides each carrying a pattern such that, as each side contacts a substrate, the pattern of each said sides remains stationary to each of said sides. See Figs. 1-3 in WO 99/28132 for example.

In view of the teaching of WO 99/28132, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the printing apparatus of Jeans with a stamp surface having three non-moving stamp sides each having a pattern thereon as a simple substitution of a known stamp arrangement for another so as to predictably carry out the stamping operation.

With respect to claims 2 and 11, Jeans, as modified by WO 99/28132 teaches that the curved member forms a triangular cross section with curved sides.

Regarding claims 4 and 13, the light 99 and the reflector 99r used in Jeans is considered as the thermal elements that is capable of being configured to control temperature of said curved member, to align said stamp surface, and to correct magnification of said stamp surface as recited.

Regarding claims 5 and 14, Jean teaches in one embodiment in Fig. 32 that the stamp surface 69 is comprised of glass. Column 17, lines 36-50.

Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeans in view of WO 99/28132 as applied to claims 1, 10 and 11 above, and further in view of Hamilton(3,362,804).

Jeans, as modified by WO 99/28132 teaches all that is claimed except for the use of alignment marks along the stamp surface for aligning with markers along the substrate. Hamilton teaches the use of alignment markers 116 along a stamp surface 114 for aligning with markers 108 along a substrate 110. See column 7, lines 11-32 in Hamilton for example. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the stamp surface and substrate surface with alignment markers as taught by Hamilton in order to accurately locate the stamp surface with respect to the surface of the substrate to ensure the images be printed at the desired locations on the substrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ren L Yan/
Primary Examiner, Art Unit 2854
April 6, 2009